

# Judge to nix ban of Tonantzin files

By JACK HANDEY

A motion to bar the Santa Fe County Grand Jury from examining files seized from Escuela y Colegio Tonantzin will be officially denied, The New Mexican learned today.

District Judge Santiago Campos, who has yet to sign the order to carry out the ruling, announced his decision in a letter to attorneys on both sides.

In the letter Campos also says that a motion to quash a subpoena against Geronimo Garduno, requiring him to bring certain Tonantzin records, is denied.

However, Campos will order that the subpoena be modified to exclude anything other than "business books and records and books of account."

Garduno is one of eight defendants indicted in connection with a shootout Sept. 3 at Tonantzin, a Chicano school located in the village of Agua Fria.

Concerning the denial of the motion to prevent grand jury examination of the files, Campos writes: "There was presented absolutely no factual foundation establishing a connection between the corporation (Escuela y Colegio Tonantzin, Inc.) and the papers sought to be suppressed. In the circumstances of this case such, in my opinion, was necessary. The ruling on this motion thus rests on very narrow legal ground. This is standing."

The papers were seized by police following the three-hour gun battle at the school. A 19-year-old girl died as a result of wounds received at the shootout.

The district attorney's office reports the files in question are now back in their possession.

The seized files are said to contain some Maoist literature and writings on Cuba, which the DA's office claims could prove the basis for some type of conspiracy charges.